

30 April 2021

2200249

Anthony Witherdin  
Director, Key Sites Assessments  
Department of Planning, Industry and Environment  
12 Darcy Street,  
PARRAMATTA NSW 2150

Attention: Cameron Sargent (Team Leader, Key Sites Assessments)

Dear Cameron,

**RE: AMENDING DEVELOPMENT APPLICATION AND RESPONSE TO SUBMISSIONS - DA 10646 for SEPP 64  
ADVERTISING SIGNAGE PROPOSED AT SUSSEX STREET, SYDNEY**

## 1.0 Introduction

This response to submissions letter has been prepared following the public exhibition period for DA 10646 which is currently under assessment by the Department of Planning, Industry and Environment (DPIE) and is part of a series of Crown Development Application's (DA) under Part 4 Division 4.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) submitted to the DPIE.

During the exhibition period, a number of submissions were received by the relevant agencies including the Heritage Council NSW and City of Sydney Council, as well as other public submissions. In addition, DPIE also requires a response to additional information requested as part of their RtS letter dated 23 December 2020. A response in accordance with DPIE's letter to respond to submissions is provided in **Table 2** of this letter.

This RtS is supported by the amended Design Plans prepared by Ethos Urban (**Attachment A**) and an amended Visual Impact Assessment prepared by Ethos Urban (**Attachment B**). A letter from Corrs Chambers Westgarth is attached for completeness (**Attachment C**).

This response also seeks to amend the DA per Clause 55 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg). The DA is proposed to be amended in response to commentary received from agencies and public submissions made. Refer to **Section 2.0** below.

## 2.0 Amended Description of Proposed Development

The application is proposed to be amended to remove the northern sign, and reduce the size of the southern sign. As such, the amended DA now only seeks approval for the installation of one digital advertising sign proposed at the southern elevation of the existing bridge. Signage supporting structure including framework, wiring, electrical and communications is also maintained as proposed for the southern sign.

The proposed amendment results in a reduction in size of the southern sign to comprise a visual display board of 8.3m in width and 2.2m in height (an area of 18.26m<sup>2</sup>). The revised visual display board will continue to sit atop an aluminium composite material (ACM) cladded backing, which is proposed to be revised to 8.4m in width and 2.3m in height.

The amended development described above has been expressed in **Table 1** below. The previous description of the development proposed to be deleted are shown in ~~**bold strike through**~~ and words to be inserted are shown in ***bold italics***.

**Table 1** Description of Previous and Amended Development

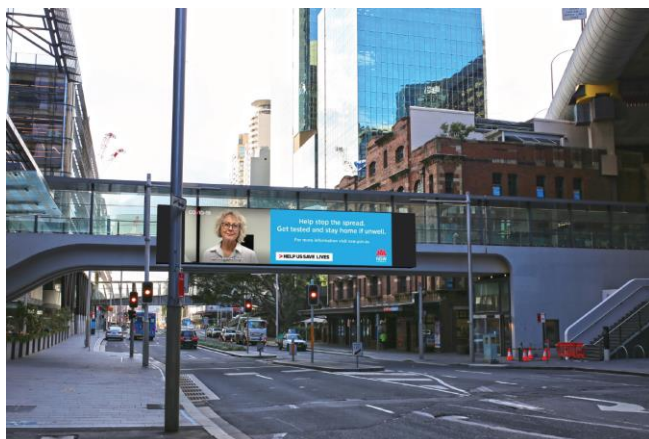
Location	Materiality and Construction	Proposed Dimensions	Illumination
Northern Elevation	Visual digital display board affixed onto an ACM-cladded backboard	<ul style="list-style-type: none"> <li>12.4m (w) x 3.2m (h) visual display board</li> <li>15.5m (w) x 3.3m (h) ACM-cladded backboard support</li> </ul>	Yes
Southern Elevation	Visual digital display board affixed onto an ACM cladded backboard	<ul style="list-style-type: none"> <li>12.5m 8.3m (w) x 3.3m 2.2m (h) visual display board</li> <li>15.5m 8.4m (w) x 3.3m 2.3m (h) ACM cladded backboard support</li> </ul>	Yes

The proposed sign will comprise of a digital display board which will be used for the advertisement of third-party advertisers including Government agencies to display emergency information.

Amended Signage Plans which identify the specifications of the revised sign have been prepared by Ethos Urban and is provided at **Attachment A** of this letter. The location of the sign is provided on the site aerial context map at **Figure 1**. Photomontages of the previous proposal and the amended development are shown at **Figures 2 and 3**.

**Figure 1** Location of proposed signage

Source: Nearmap / Ethos Urban



**Figure 2 Photomontage of previous southern sign**

Source: Ethos Urban



**Figure 3 Photomontage of amended southern sign**

Source: Ethos Urban

### 3.0 Agency Submissions

Since the previous exhibition period for DA 10646, there were an additional 2 submissions made by public authorities, being the Heritage Council NSW and the City of Sydney Council. The key themes identified throughout these submissions relate to:

- Heritage impacts;
- Visual impact of the signs; and
- Illumination impacts on residential receivers.

Responses to the City of Sydney Council as well as the Heritage Council NSW are outlined below in **Table 2**.

**Table 2 Response to Submissions**

Submission Comment	Response
<b>Heritage Council NSW Comments dated 18 March 2021</b>	
Applicant's response to previous comments provided by Heritage NSW is noted. However, it is considered that the concerns related to visual impact of the digital advertising signage – i.e. the size of the panels, their relative proximity, method of illumination and subsequent light reflection upon the SHR listed item, as well as the increased visual clutter within the locality remain unresolved.	In response to the submissions received, the applicant has significantly revised the proposed works in DA 10646 as outlined above. These changes, being the removal of the northern sign and the reduction in size of the southern sign (per previous comments from the Heritage Council on 29 January 2021), are considered to resolve the highlighted issues regarding the size of the panels, their relative proximity, method of illumination and subsequent light reflection upon the State Heritage Register (SHR) listed item, and the matter of visual clutter within the locality.
It is therefore, recommended that in finalizing its determination, the Department takes into consideration Heritage NSW's previous comments [refer below] on size, illumination and proximity of the proposed digital signs that may mitigate the visual impact of the proposal on the SHR item and its surrounding context.	The amendment of the proposal results in a significant reduction in size of the southern sign by 55% (from its previous approximately 40sqm in panel size to approximately 18sqm in size as proposed by this letter).
	The previous comments have been re-considered in this response, noting the amended application as now proposed. Refer to the below section of this table.
<b>Heritage Council NSW Comments dated 29 January 2021, and updated applicant response</b>	



Submission Comment	Response
It is noted that the listed significance of the adjacent Big House Hotel notes its prominent location, its Edwardian presentation, and association with the Sydney Harbour foreshore. It is also noted that contemporary development along Sussex Street has already diminished the historic streetscape character of the locality with visual clutter in the form of overhead vehicular and pedestrian bridges.	It has been assessed that the area surrounding the Big House Hotel and the project area includes varied architecture and character. The Big House Hotel is surrounded by modern buildings and structures, including the pedestrian bridge that the proposed sign is to be installed upon. No specific viewsheds to and/or from the Big House Hotel have been noted as specifically adding to the heritage significance of the structure that will be impacted by the proposed sign installation, noting that the northern sign has now been removed from this proposal.
The size of the digital illuminated signage panels measuring approximately 40sqm each are noticeably large and would add to the visual clutter of the locality and would also alter pedestrian experience. It is considered that the panel located on the northern face of the pedestrian bridge would have an adverse impact upon the setting and curtilage of the Former Big House Hotel, especially the reflected glare from the panel upon the elevation after sunlight hours. It is therefore, recommended that consideration should be given to making the signage panel along the northern face of the pedestrian bridge externally illuminated and reducing its size considerably.	<p>The northern sign has been removed from the proposal and the southern sign has been revised in size to be approximately 18sqm in size, as opposed to 40sqm as previously proposed. No external lighting sources will be used to illuminate the southern sign.</p> <p>Additionally, the applicant notes that external illumination is discouraged through the SEPP 64 and the Transport Corridor Outdoor Advertising and Signage Guidelines, with internally illuminated signage preferred. External lighting elements can also detract from the sign itself and create a further maintenance burden due to their external nature being more prone to weather impacts. No external lighting sources are proposed.</p>
The digital panel located to the southern face of the pedestrian bridge, may also result in an impact, however noting the streetscape and limited visual proximity and relationship with the hotel, it is considered that the proposed sign should be supported provided its size is reduced to limit its visual impact.	<p>It is noted that this sign faces south away from the adjacent heritage items and as such will be limited in terms of its visual impact to the Big House Hotel, given its frontage facing the existing Western Distributor road and supporting pylons.</p> <p>In response to this comment received, the size of the southern sign has been significantly revised, reducing the overall proposed area from 40sqm to approximately 18sqm in size. It is noted that the Heritage Council NSW advise that support for the sign could be granted given that the sign is reduced in size, which this amending DA seeks to amend, further mitigating its visual impact. Refer to <b>Section 5.6</b> of this letter.</p>
<b>City of Sydney Comments dated 8 March 2021</b>	
The City has reviewed the submitted RtS and maintains its objection to the proposed billboard signs placed on the pedestrian bridge across Sussex Street. The proposed electronic advertising structures are not considered to demonstrate design excellence in accordance with Section 6.21 of the Sydney Local Environmental Plan 2012 (LEP), add unnecessary visual clutter to the streetscape, provide no direct public benefit and are generally not in accordance with Section 3.16 of the Sydney Development Control Plan 2012 (DCP).	<p>In response to the comments received in relation to DA 10464, this amending DA and RTS letter proposes an amended application, through removal of the northern sign from the DA and a significant reduction in the size of the southern sign by 55%. This is considered to address perceptions that the proposal would add visual clutter to the streetscape.</p> <p>The proposal will provide a public benefit, as it seeks to generate revenue that will service the wider functions of the Sydney Trains network, with the amount of revenue raised and the allocation of these funds will be made available in the Sydney Trains annual report. Refer to <b>Section 5.8</b>.</p> <p>Additionally, Clause 6.21 of the Sydney LEP is not considered to apply to this DA as Clause 6.21(2) states:  <i>This clause applies to development involving the erection of a new building or external alterations to an existing building on land to which this Plan applies.</i></p> <p>The sign is not considered a new building and the bridge is not considered an existing building.</p> <p>An assessment against the relevant provisions of Clause 3.16 of the Sydney DCP was undertaken as part of the original DA as noted in the SEE. Noting the amendments to the DA (deletion of the northern sign and 55% reduced area of the southern sign), the proposal remains consistent with the relevant provisions of the DCP</p>

Submission Comment	Response
<p>The RtS incorrectly identifies the site as being located within a B4 Mixed Use zone under the State Environmental Planning Policy (State Significant Precincts) 2005, being within the Barangaroo Site. The site is located within the B8 Metropolitan Centre zone and is subject to planning controls under the LEP and DCP.</p>	<p>with respect to Sections 3.16.3, 3.16.4 and 3.16.7 where relevant. Refer to <b>Table 7</b>.</p> <p>Noted. The southern sign sits within the B8 Metropolitan zone under the Sydney LEP.</p>
<p>The proposed digital advertising structures are not appropriate when considering design excellence and signage controls in the DCP. Section 3.16.7 of the DCP notes that new advertising signs and third-party advertisements are not permitted. Further, the placement of two new 41.25sqm advertising signs is not considered to meet the relevant criteria in the general requirements for advertising structures in the DCP relating to exceptional circumstances where new advertising structures may be appropriate. The proposal reduces the amenity of the area and detracts from scenic qualities within the surrounding streetscape and reduces the significance of the adjacent heritage item.</p> <p>Further, the City notes the applicant's response regarding the public benefit, or lack of a direct public benefit as a result of the proposed electronic advertising structures. The submitted response to submissions notes that whilst there is no direct community benefit in terms of the dedication of display times for public information, community messages or the promotion of Council events and initiatives, the money made through the lease of advertising times will be invested back into maintaining the rail network.</p> <p>While the City appreciates that the revenue made by privately leasing the advertising space will be invested back into the NSW rail network, this is already a core responsibility of Transport for NSW and there is not a strong enough nexus between the public benefit mentioned by the proponent and the public benefit of the proposed advertising space itself as required in the DCP.</p> <p>The response relating to public benefits provided in the RtS is not relevant to Section 3.16.7.2(9) of the DCP which requires a specific public benefit by way of the dedication of 10% of display times to the City of Sydney for direct community benefit and enhancements. Further, the application has not proposed an equivalent public benefit in</p>	<p>The revised proposal is considered synonymous with the criteria under Section 3.16.7 which states:</p> <ul style="list-style-type: none"> <li>(a) <i>Whether the sign is advertising a civic or community event in the City of Sydney area;</i></li> <li>(b) <i>Whether the sign can be considered as public art in accordance with the City's policies in relation to public art;</i></li> <li>(c) <i>Whether the signs are consistent with the provisions for signage in this DCP;</i></li> <li>(d) <i>Whether part of the sign occupied by corporate markings, logos, branding or similar is not more than 5% of the total sign area;</i></li> <li>(e) <i>Whether the number of existing signs on the site and in the vicinity do not cumulatively create unacceptable visual clutter;</i></li> <li>(f) <i>Whether the sign is associated with the surrender of a consent for an existing sign on a heritage item.</i></li> </ul> <p>In response to the above criteria, the sign will have the ability to display civic or community events as the City of Sydney will be given an opportunity to pay for advertising time to be displayed on the new sign. The sign is not considered public art but there will be an opportunity by artists, or the like, to pay for leased advertising time to display art. The sign was shown to be consistent with the relevant provisions for signage (Section 3.16.3 and 3.16.4 and the provisions of SEPP 64 under Schedule 1). The corporate marking, logo or branding will not occupy space on the sign and will be placed to the side, not taking up an area of more than 0.25sqm. The revised DA removes the northern sign and thus it is considered that the proposal will not result in the creation of unacceptable visual clutter, and the proposal now entirely complies with the Heritage Council NSW requirements. The sign is not an existing sign on a heritage item.</p> <p>Refer to <b>Section 5.8</b> for a full response.</p>

Submission Comment	Response
<p>lieu of advertising time as also discussed in this section of the DCP.</p> <p>The application should not be approved without a formal public benefit agreement in place (or equivalent where deemed acceptable by Council).</p>	

## 4.0 Public Submissions

There were a total of 25 public submissions received from nearby landowners to the proposed signage, seven which were submitted within the original exhibition period and 18 following the submission of the RTS report. The key themes raised within these submissions were:

- Residential amenity impacts to the units on the upper floors of 26 Sussex Street, Sydney;
- Visual impact of the northern sign;
- Illumination impact of the northern sign;
- Impact on the architectural integrity of the pedestrian bridge
- The creation of visual clutter; and
- Heritage impact concerns.

Additionally, a submission was prepared by Mills Oakley, on behalf of the owner of 26 Sussex Street, Sydney which highlighted the following concerns:

- Permissibility of the proposed sign;
- Questions the relevant consent authority; and
- Questions the application of the relevant clauses within SEPP 64.

A response to the Mills Oakley submission has been provided to DPIE by Corrs Chambers Westgarth under separate cover (attached at **Attachment C** for completeness).

A response to each of the topics outlined within the public submissions are outlined below in **Table 3**. However, it is important to note that as this response represents an amending DA, public submissions relating to residential amenity have been addressed by virtue of removal of the northern sign. The below table considers the themes and content of all public submissions received to date.

**Table 3 Response to Public Submissions**

Public Submissions	
<b>Residential Amenity Impacts</b>	
<ul style="list-style-type: none"> <li>• 26 Sussex Street contains a residential terrace which has not been considered in the application documents and will experience extreme negative impacts as a result of the proposal.</li> </ul>	In response to these concerns, the northern sign has been removed from the proposal.
<b>Visual Impact</b>	
<ul style="list-style-type: none"> <li>• The signs will most adversely affect my 3 level residential unit comprising the upper 3 to 5 of my 5 level building at 26 Sussex Street. It will be an eyesore from all of my western facing windows. These windows are the only ones to receive direct sunlight and the sign would constitute a major obstruction to the outlook from all these windows.</li> </ul>	<p>The northern sign has been removed from this DA and therefore, the DA as now proposed is unlikely to give rise to a significant impact upon residential amenity to the north.</p> <p>While the reduced southern sign will result in a minor change to the locality, it is noted it is directed towards the existing Western Distributor overpass structure, with no direct views of the proposed sign from the adjacent residential property. This</p>

Public Submissions	
<ul style="list-style-type: none"> <li>The sign will adversely affect the amenity of the area and make my premises less attractive to customers.</li> <li>The huge northern sign is less than 9 metres horizontal distance from my shopfront door.</li> </ul>	<p>is considered consistent with the ever-evolving commercial nature of this part of the CBD which has undergone extensive changes over recent years with Barangaroo development as well as Wynyard Walk and other commercial developments resulting in a higher pedestrian activity and economic landscape, fuelling Sydney's position as a global city and being one of the major the economic power houses of the country.</p>
Illumination	
<ul style="list-style-type: none"> <li>The illuminated northern bridge sign will dominate the outlook from living room windows. It is also apparent that the sign will have a significant impact on light spill into the dwelling.</li> <li>The size, intensity of lighting and proximity of the sign are all incompatible with being located so near to an existing residence. This alone warrants outright refusal of the proposal. If the assessment is to continue, it is incumbent upon the applicant to address the extreme impact upon 26 Sussex Street in both the SEE and the Evaluation of Lighting Impact.</li> <li>The effect will be worse at night, when the bright, flickering sign will badly affect the amenity of the surrounding area.</li> <li>The situation would be worse at night, when flickering lights from the ever-changing sign will shine directly into my living areas, making them impossible to occupy without totally screening the western windows to all light and outlook.</li> <li>An ever-changing, flickering, deliberately bright and distracting digital sign will be intentionally distracting and annoying. It will not relate to the street lamps and will place the immediate area into dangerous shadow, particularly when people are temporarily 'blinded' by the brighter signs.</li> </ul>	<p>The proposed advertising signage does not exceed the illumination levels governed by SEPP 64. The northern sign has been removed from this DA and thus no light spill will affect any areas with private amenity to the north.</p> <p>Additionally, the illumination impacts of the southern sign light spill will be minor, especially considering that it has been reduced in size by approximately 22sqm. It is also important to note that under no circumstances will any flashing, pulsating or moving images will be portrayed on the advertisement. It will remain as static, illuminated images only and the illumination level will only be noticeable after daylight hours. During daylight hours the illumination level will not be noticeable, and the sign will appear as a static board, similar to other advertising boards across the LGA. It is noted that the surrounding area has evolved overtime to be a high activity commercial hub where new developments and transportation projects have helped re-shape this part of Sydney into a new mixed-use, walkable and productive part of the Sydney CBD.</p> <p>The signage is not proposed to be a moving sign with no flickering, given its transition time of less than 0.1 seconds.</p>
Impact on the pedestrian bridge	
<ul style="list-style-type: none"> <li>The proposal is inconsistent with the architectural design of the bridge and would be detrimental to the pedestrian experience and the public domain surrounding the bridge. A reduction in streetscape quality will also impact unreasonably on the heritage appeal of both The Sussex Hotel and the residential terrace.</li> <li>The installation of large signs along most of the bridge's length will change its appearance from being a lightweight structure with aesthetically clean lines to a heavy and solid structure with a bulky visual appearance. While the signs are proposed to fit with the rectangular shape of the bridge's glazing, it is at odds with its materiality and design intent.</li> <li>The Wynyard Walk Pedestrian bridge is a major entrance to Barangaroo. This is where tourists, workers and shoppers can appreciate the presentation of this entrance that they are about to enter the special precinct of Barangaroo. The proposed digital signs will create a negative impression of Barangaroo and pollute the appearance of the pedestrian sign.</li> <li>The only reason for proposing these huge and intrusive advertising signs is for making money. There are many other railway sites which are more appropriate for advertising without the need to destroy the gateway to Barangaroo, as presently proposed by these huge 'Las Vegas' signs.</li> <li>Advertising in this location is entirely unnecessary.</li> </ul>	<p>The proposed sign will be mounted to the southern elevation of the bridge, maintaining clearance for vehicles below and not protruding above the existing structure, preserving a strip of the glazed elements for pedestrians to maintain a view over the southern part of Sussex Street. The revised size of the southern sign mitigates impacts to the transparency of the glazed elements of the bridge, and its proposed location will not eliminate these elements completely, with an interpretation and appreciation of the architectural elements of the bridge to remain. A pedestrian using the bridge will still be provided with a line of sight along the bridge towards Barangaroo, King Street Wharf in a western direction, an uninterrupted northern view of Sussex Street, maintaining sightlines to the Sussex Hotel and broader CBD in the northern and eastern direction.</p> <p>Additionally, the bridge is owned by Railcorp (through TAHE), the State Governments public asset ownership entity.</p> <p>The revenue raised by the leasing out of the sign to third party advertisers will be used to maintain and enhance rail infrastructure across the Sydney Trains network and are fully reported for public viewing in the Sydney Trains Annual Report.</p> <p>The revised southern sign will increase the transparency of the window panels to the elevations of the bridge from that of the original proposal and will continue to enable views in a north-south direction.</p>

Public Submissions	
<ul style="list-style-type: none"> <li>The sign will destroy the appearance of the Wynyard Walk Bridge when viewed from outside my shop.</li> <li>it is essential that the structure remain as invisible as possible in order not to detract from the overall streetscape and the several heritage vistas which remain there.</li> <li>additional concern would be the blocked pedestrian viewing once on the bridge.</li> </ul>	
The creation of visual clutter	
<ul style="list-style-type: none"> <li>Object most strenuously to Sydney Trains and the NSW Government cluttering the streets of Sydney with crass, commercial, advertising pollution and the possibility of the spread across all of Greater Sydney.</li> <li>clutter the streetscape with Las Vegas style commercial advertising</li> <li>the bridge may be necessary but advertising of the kind and scale proposed is not.</li> <li>As someone who spent most of his working life in this area, I hate to think of it being visually destroyed with this Las Vegas style Commercial Advertising.</li> </ul>	<p>The sign will not resemble any qualities that are synonymous with 'Las Vegas' style advertising. The advertisement sits below the skyline and the existing bridge structure to which it will be affixed to and is only 18.26sqm in size after being reduced by 55% from the original proposal. The sign will not occupy a significant amount of space on the southern elevation of the bridge and will continue to maintain north-south sightlines that currently exist across the bridge via the glazed panels.</p>
Heritage Impacts	
<ul style="list-style-type: none"> <li>The Sussex Hotel is located in 20-24 Sussex Street which is a state listed heritage item. The proposed signs will impede sightlines to and from that building and impact upon the visual curtilage of the heritage listed pub and its streetscape.</li> <li>The proposed sign will thereby distract from the view of The Sussex Hotel when looking along Sussex Street in either direction. Of greater concern, the signs will obstruct sightlines to the Hotel from the pedestrian bridge and when looking north along Sussex Street.</li> <li>The installation of large illuminated signage that will be clearly seen from inside public areas of the Hotel and the beer garden which is an intrusion into the Hotel's space that only offers the potential for negative impacts on trade.</li> <li>The south facing sign would obscure and distract from our heritage building for anyone approaching along Sussex Street from the south.</li> <li>The north facing sign would be a distracting eyesore, visible from all of our western windows and from our nearly completed rooftop garden on level 5.</li> <li>The DA on the heritage impacts states that there are "no physical impacts on any heritage items". This is simply not true. The proposed signs will have a major detrimental impact on the adjacent state heritage listed Sussex Hotel building, including the privately owned residential property at 26 Sussex Street, less than 8 metres from the northern sign.</li> <li>The Sussex Hotel is a state listed heritage item located at 20-24 Sussex Street. The proposed signs will impede sightlines to and from that building and impact upon the visual curtilage of the heritage listed pub and its streetscape. I do not accept the arguments that have been made in the RTS documents that the heritage impact is acceptable due to the existing surrounding contemporary development. The proposal has not been amended in such a way as to minimise the heritage impacts and I reiterate my objections on heritage grounds.</li> </ul>	<p>The surrounding area has been physically altered over time as part of the natural evolution of the built form in this part of Sydney including the developments at Barangaroo, the overhead Western Distributor and Harbour Bridge approach overpass and the construction (and now operation) of Wynyard Walk. The Heritage Impact Statement submitted with the DA stated:</p> <p><i>"due to the existing setting of the hotel via construction of surrounding buildings, walking bridge and railway infrastructure, combined with the imposing nature of the building, and the potential for easy removal of the signage should it be necessary, it is determined that the impacts on the aesthetic significance will be minimal."</i></p> <p>Additionally, comments received from the Heritage Council NSW did not object to the installation of the sign but rather provided advice regarding the reduction of the size of the sign in this location, noting that the surrounding area has undergone significant change, all of which have contributed to an evolving and very urban streetscape character.</p> <p>It is important to note that this amending DA responds to the submission by the Heritage Council NSW in that it has reduced the size of the southern sign by 55%. Heritage NSW, in their comment, express that the sign can be supported if it is reduced in size. The new size of the southern sign is 18.26sqm as opposed to 40sqm as originally proposed.</p> <p>The northern sign has been removed from this proposal entirely.</p> <p>The revised size of the southern sign will aid further in enabling north-south views across the bridge as it reduces the amount of space required for it to be affixed to the existing glazed elements of the bridge.</p>



## Public Submissions

### Mills Oakley Submission on behalf of the owner of 26 Sussex Street, Sydney

A full response to this submission was prepared by Corrs Chambers Westgarth and provided under separate cover directly to DPIE.

## 5.0 Additional Environmental Assessment

Based on the amended proposal as described in **Section 2.0** above, additional environmental assessment has been undertaken to address the change to the proposed development.

Noting that this is an amended proposal under Clause 55 of the EP&A Regulation, only those environmental assessment matters requiring further consideration based on the revised concept design have been considered. The original SEE submitted with the application considered the following matters which do not require further assessment as the impacts from the revised design are consistent with, or reduced, from those initially assessed:

- Traffic/road safety;
- Lighting;
- Visual Impact;
- Heritage; and
- Public Benefit.

The following assessment considers the relevant matters that require additional assessment based on the amended proposal, including the applicable Environmental Planning Instruments and other matters for consideration under Section 4.15 of the EP&A Act, including:

- Roads Act 1993;
- State Environmental Planning Policy No. 64 – Advertising and Signage;
- State Environmental Planning Policy (Infrastructure) 2007;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Sydney Local Environmental Plan 2012; and
- Sydney Development Control Plan 2012.

### 5.1 Roads Act 1993

The *Roads Act 1993* provides procedures for opening and closing public roads and establishes the authorities responsible for roads. Section 138 of the Act states that the consent of the appropriate roads authority is required to:

- erect a structure or carry out a work in, on or over a public road, or
- dig up or disturb the surface of a public road, or
- remove or interfere with a structure, work or tree on a public road, or
- pump water into a public road from any land adjoining the road, or
- connect a road (whether public or private) to a classified road.

As Sussex Street is a classified road, Section 138(2) states that a consent may not be given with respect to a classified road except with the concurrence of RMS. Under section 138(3), the RMS must consult with an applicant (who is a public authority) before deciding whether or not to grant concurrence.

Due to the erection of the sign over a public road, being Sussex Street, the application will be referred to the RMS in accordance with Section 138(3) of the Roads Act. It is noted that Transport for NSW have not yet provided any comment on the application.

## 5.2 State Environmental Planning Policy No. 64 – Advertising and Signage

As the proposal has been amended pursuant to Clause 55 of the EP&A Regulation, a revised assessment against the relevant provisions of SEPP 64 has been completed based on the amended design.

The proposed signage is a type of advertisement signage since it will display third party advertising. As such, Part 3 of SEPP 64 relating to advertising applies to the proposal. Additionally, due to the nature of the proposed signage and its location fronting a classified road, consideration has been given to the impact of the proposal on road safety and compliance with the Transport Corridor Outdoor Advertising and Signage Guidelines (the Guidelines). Given the sign has been reduced in scale, the findings of the original assessment completed of the Guidelines is still considered valid for the purposes of this amended application.

Part 3, Clause 12 of SEPP 64 identifies the consent authority as the Minister for Planning, and that the consent authority must consider whether the proposal is consistent with the objectives of SEPP 64 as outlined in Clause 3(1a). The proposed development is consistent with the aims and objectives of SEPP 64 in that it:

- the size and scale of the signage is appropriate for the broader context in which the sign is located;
- does not block any significant views and will not adversely impact the amenity or future character of the surrounding area;
- does not block any road signs or signals; and
- is of a high-quality design and finish, in an orientation that is unusual and visually appealing for advertising signage.

The proposal will have acceptable impacts and achieves compliance with the relevant clauses of SEPP 64 as well as the assessment criteria prescribed in Schedule 1, as detailed in **Table 4** and **Table 5** below.

**Table 4 Additional SEPP 64 Compliance Assessment**

SEPP 64 Clause	Comment
<b>(14) Duration of consents</b> <i>(1) A consent granted under this Part ceases to be in force—</i> <i>(a) on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 83 of the Act, or</i> <i>(b) if a lesser period is specified by the consent authority, on the expiration of the lesser period.</i> <i>(2) The consent authority may specify a period of less than 15 years only if—</i> <i>(a) before the commencement of this Part, the consent authority had adopted a policy of granting consents in relation to applications to display advertisements for a lesser period and the duration of the consent specified by the consent authority is consistent with that policy, or</i> <i>(b) the area in which the advertisement is to be displayed is undergoing change in accordance with an environmental planning instrument that aims to change the nature and character of development and, in the opinion of the consent authority, the proposed advertisement would be inconsistent with that change, or</i> <i>(c) the specification of a lesser period is required by another provision of this Policy.</i>	Noted and will comply via a condition of consent which will impose a time limit on the sign.
<b>16 Transport corridor land</b> <i>(1) Despite clause 10 (1) and the provisions of any other environmental planning instrument, the display of an advertisement on transport corridor land is permissible with development consent in the following cases—</i> <i>(a) the display of an advertisement by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor,</i>	The proposed sign is permissible with consent as it includes the display of an advertisement on behalf of Sydney Trains (TfNSW) on a railway corridor, as previously addressed in the original SEE and the first RTS.

SEPP 64 Clause	Comment
<p>(b) the display of an advertisement by or on behalf of TfNSW on—</p> <p>(i) a road that is a freeway or tollway (under the Roads Act 1993) or associated road use land that is adjacent to such a road, or</p> <p>(ii) a bridge constructed by or on behalf of TfNSW on any road corridor, or</p> <p>(iii) land that is owned, occupied or managed by TfNSW and that is within 250 metres of a classified road,</p> <p>(c) the display of an advertisement on transport corridor land comprising a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, or associated road use land that is adjacent to such a road.</p> <p>(2) Before determining an application for consent to the display of an advertisement in such a case, the Minister for Planning may appoint a design review panel to provide advice to the Minister concerning the design quality of the proposed advertisement.</p> <p>(3) The Minister must not grant consent to the display of an advertisement in such a case unless—</p> <p>(a) the relevant local council has been notified of the development application in writing and any comments received by the Minister from the local council within 28 days have been considered by the Minister, and</p> <p>(b) the advice of any design review panel appointed by the Minister has been considered by the Minister, and</p> <p>(c) the Minister is satisfied that the advertisement is consistent with the Guidelines.</p> <p>(4) This clause does not apply to the display of an advertisement if the Minister determines that display of the advertisement is not compatible with surrounding land use, taking into consideration any relevant provisions of the Guidelines.</p>	
<p><b>17 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground</b></p> <p>(1) This clause applies to an advertisement—</p> <p>(a) that has a display area greater than 20 square metres, or</p> <p>(b) that is higher than 8 metres above the ground.</p> <p>(2) The display of an advertisement to which this clause applies is advertised development for the purposes of the Act.</p> <p>(3) The consent authority must not grant consent to an application to display an advertisement to which this clause applies unless—</p> <p>(a) the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and</p> <p>(b) the application has been advertised in accordance with section 79A of the Act, and</p> <p>(c) the consent authority gave a copy of the application to TfNSW at the same time as the application was advertised in accordance with section 79A of the Act if the application is an application for the display of an advertisement to which clause 18 applies.</p>	<p>The revised sign is less than 20sqm (18.48sqm) in display area and sits less than 8m above ground (7.85m).</p>
<p><b>18 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road</b></p> <p>(1) This clause applies to the display of an advertisement to which clause 17 applies, that is within 250 metres of a classified road any part of which is visible from the classified road.</p> <p>(2) The consent authority must not grant development consent to the display of an advertisement to which this clause applies without the concurrence of TfNSW.</p> <p>(3) In deciding whether or not concurrence should be granted, TfNSW must take into consideration—</p> <p>(a) the impact of the display of the advertisement on traffic safety, and</p> <p>(b) the Guidelines.</p> <p>(c) (Repealed)</p> <p>(4) If TfNSW has not informed the consent authority within 21 days after the copy of the application is given to it under clause 17 (3) (c) (ii) that it has</p>	<p>Not applicable as Clause 17 does not apply to the development.</p>

SEPP 64 Clause	Comment
<p>granted, or has declined to grant, its concurrence, TfNSW is taken to have granted its concurrence.</p> <p>(5) Nothing in this clause affects clause 16.</p> <p>(6) This clause does not apply when the Minister for Planning is the consent authority.</p>	
<p><b>19 Advertising display area greater than 45 square metres</b></p> <p>The consent authority must not grant consent to the display of an advertisement with an advertising display area greater than 45 square metres unless—</p> <p>(a) a development control plan is in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct, or</p> <p>(b) in the case of the display of an advertisement on transport corridor land, the consent authority is satisfied that the advertisement is consistent with the Guidelines.</p>	<p>This letter proposes an amendment to the signs in that the northern sign has been deleted and the southern sign has been reduced in size by approximately 55% and therefore this clause is no longer applicable to the DA.</p>
<p><b>20 Location of certain names and logos</b></p> <p>(1) <i>The name or logo of the person who owns or leases an advertisement or advertising structure may appear only within the advertising display area.</i></p> <p>(2) <i>If the advertising display area has no border or surrounds, any such name or logo is to be located—</i></p> <p>(a) <i>within the advertisement, or</i></p> <p>(b) <i>within a strip below the advertisement that extends for the full width of the advertisement.</i></p> <p>(3) <i>The area of any such name or logo must not be greater than 0.25 square metres.</i></p> <p>(4) <i>The area of any such strip is to be included in calculating the size of the advertising display area.</i></p>	<p>The logo of the sign operator will be provided to the side of the visual display board and will not occupy a space greater than 0.25m.</p>
<p><b>21 Roof or sky advertisements</b></p> <p>(1) The consent authority may grant consent to a roof or sky advertisement only if—</p> <p>(a) the consent authority is satisfied—</p> <p>(i) that the advertisement replaces one or more existing roof or sky advertisements and that the advertisement improves the visual amenity of the locality in which it is displayed, or</p> <p>(ii) that the advertisement improves the finish and appearance of the building and the streetscape, and</p> <p>(b) the advertisement—</p> <p>(i) is no higher than the highest point of any part of the building that is above the building parapet (including that part of the building (if any) that houses any plant but excluding flag poles, aerials, masts and the like), and</p> <p>(ii) is no wider than any such part, and</p> <p>(c) a development control plan is in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct and the display of the advertisement is consistent with the development control plan.</p> <p>(2) A consent granted under this clause ceases to be in force—</p> <p>(a) on the expiration of 10 years after the date on which the consent becomes effective and operates in accordance with section 83 of the Act, or</p> <p>(b) if a lesser period is specified by the consent authority, on the expiration of the lesser period.</p> <p>(3) The consent authority may specify a period of less than 10 years only if—</p> <p>(a) before the commencement of this Part, the consent authority had adopted a policy of granting consents in relation to applications to display advertisements for a lesser period and the duration of the consent specified by the consent authority is consistent with that policy, or</p> <p>(b) the area is undergoing change in accordance with an environmental planning instrument that aims to change the nature and character of development and, in the opinion of the consent authority, the proposed roof or sky advertisement would be inconsistent with that change.</p>	<p>The sign proposed in this DA is not defined as a 'roof or sky advertisements', which is defined under SEPP 64 as:</p> <p><i>Roof or sky advertisement means an advertisement that is displayed on, or erected on or above, the parapet or eaves of a building.</i></p> <p>Whilst it is acknowledged that the definition of a 'building' includes: part of a building, and also includes any structure or part of a structure, and that the bridge is considered a structure, it does not mean that the bridge is considered a 'building'. It is in this context that the term "building" must have regard to the policy intent and purpose of SEPP 64, including Division 3 of which clause 21 forms a part.</p>
<p><b>24 Advertisements on bridges</b></p> <p>(1) A person may, with the consent of the consent authority, display an advertisement on a bridge.</p>	<p>The proposed signage is located on existing TAHE assets (RailCorp, being Sydney Trains), being the Wynyard Walk Pedestrian Bridge, which is suspended above Sussex Street. The</p>



SEPP 64 Clause	Comment
(2) The consent authority may grant consent only if the consent authority is satisfied that the advertisement is consistent with the Guidelines.	proposal is also consistent with the Guidelines as considered in the original SEE submitted with the application.

### 5.3 State Environmental Planning Policy (Infrastructure) 2007

Additional consideration is given to address the relevant clauses of the Infrastructure SEPP, an additional table (Table 6 below) has been provided for this purpose.

**Table 5 Infrastructure SEPP Assessment**

Relevant Clause	Assessment
<b>Division 15 Railways</b>	
Clause 84 Development involving access via level crossings	Not applicable. There are no level crossings nearby.
<p>Clause 85 Development adjacent to rail corridors</p> <p>(1) This clause applies to development on land that is in or adjacent to a rail corridor, if the development—</p> <p>(a) is likely to have an adverse effect on rail safety, or</p> <p>(b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or</p> <p>(c) involves the use of a crane in air space above any rail corridor, or</p> <p>(d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.</p> <p>Note—</p> <p>Clause 45 also contains provisions relating to development that is within 5 metres of an exposed overhead electricity power line.</p> <p>(2) Before determining a development application for development to which this clause applies, the consent authority must—</p> <p>(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and</p> <p>(b) take into consideration—</p> <p>(i) any response to the notice that is received within 21 days after the notice is given, and</p> <p>(ii) any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.</p> <p>(3) Land is adjacent to a rail corridor for the purpose of this clause even if it is separated from the rail corridor by a road or road related area within the meaning of the Road Transport Act 2013.</p>	Sydney Trains is the rail authority for this rail corridor, and it is noted that Sydney Trains is the applicant for this proposal, and as such, this clause is considered satisfied.
Clause 86 Excavation in, above, below or adjacent to rail corridors	Not applicable. No excavation proposed.
Clause 87 Impact of rail noise or vibration on non-rail development	Not applicable. The signage is not one of the listed non-rail development types.
Clause 88 Development within or adjacent to interim rail corridor	Not applicable. There is no interim rail corridor nearby.
Clause 88A Major development within Interim Metro Corridor	Not applicable. There is no Interim Metro Corridor nearby.
Clause 88B Development near proposed metro stations	Not applicable. There are no proposed metro stations nearby.
<b>Division 17 Roads and Traffic</b>	
Clause 98 Development other than road facilities on public roads	Not applicable. The proposed signage is not located on a public road. It is situated on an existing pedestrian bridge. It is located above the Sussex Street road carriageway however by virtue clause 16 of SEPP 64, the proposal is permissible with consent.
Clause 99 Highway service centres in road corridors	Not applicable. No highway service centre is proposed.

Relevant Clause	Assessment
Clause 100 Development on proposed classified road	Not applicable. No works are proposed on Sussex Street.
Clause 101 Development with frontage to classified road	The proposed sign will not compromise the effective and ongoing operations and functions of Sussex Street.
Clause 102 Impact of road noise or vibration on non-road development	Not applicable. The signage is not one of the listed non-road development types.
Clause 103 Excavation in or immediately adjacent to corridors	Not applicable. Sussex Street is not one of the listed roads within this clause.
Clause 104 Traffic-generating development	Not applicable. The signage is not traffic-generating development per Schedule 3 of the Infrastructure SEPP.

#### 5.4 Sydney Region Environmental Plan (Sydney Harbour Catchment) 2005

The Sydney Regional Environmental Plan 2005 (SREP 2005) sets out the objectives and guiding principles for the Sydney Harbour Catchment to which SREP 2005 applies. The SREP 2005 sets out matters for consideration in the assessment of development relating to (amongst other things) views, scenic quality and public access.

The proposed signage is scaled appropriately, located on an existing Rail Corp asset and commensurate with the existing signage of the same type on road corridors throughout the LGA and Greater Sydney. In consequence, the proposal is unlikely to have any adverse impact on views, scenic quality or public access in and around Sydney Harbour.

#### 5.5 Sydney Local Environmental Plan 2012

The southern sign is located on land zoned 'B8 Metropolitan Centre' under the Sydney Local Environmental Plan 2012 (LEP). The proposed signage is permissible with consent under this zone and is consistent with the objectives of B8 zone in that it will:

- continue to allow opportunities for an intensity of land uses commensurate with Sydney's global status;
- recognise and provide for the pre-eminent role of commercial premises in Australia's participation in the global economy; and
- contribute to the display of advertising which will generate revenue used to maintain and enhance existing Sydney Train assets and services which form a key part of the network of the Sydney CBD.

Additionally, as addressed in **Table 3**, the proposed sign is permissible with consent under Clause 16 of the SEPP 64 as it includes the display of an advertisement on behalf of Sydney Trains (TfNSW) on a railway corridor, with Clause 12(c) of SEPP 64 determining that the relevant consent authority for the DA is the Minister, as it states:

*For the purposes of this Policy, the consent authority is - ...*

*(c) the Minister for Planning in the case of an advertisement displayed by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a **railway corridor**,*

As previously established, a railway corridor, as defined under the SEPP 64 is interpreted to include associated infrastructure beyond that of stations and platforms and would also include a range of infrastructure that is associated with "railway tracks" such as:

- (a) tunnels, drainage systems, fences, signalling equipment, power supply;
  - (b) emergency access ways; and
  - (c) areas that commuters use to access "stations and platforms",
- provided all such infrastructure is located on the same land.

In the case of Wynyard Station, Wynyard Walk is located within the Wynyard Station complex and forms part of the land that comprises Wynyard Station and its railway tracks.

The purpose of Wynyard Walk is to provide direct and safe pedestrian access between Wynyard Station and Barangaroo for commuters. Therefore, it can be considered that Wynyard Walk, of which the Bridge forms a part, is “associated railway infrastructure” for the purpose of paragraph (a) of the definition of “railway corridor”. As such, the Minister is the consent authority under Clause 12(c) of SEPP 64.

### 5.5.1 Sydney Development Control Plan 2012

The Sydney Development Control Plan 2012 (Sydney DCP) has been considered in the amended proposal, noting however that the Minister is the consent authority pursuant to clause 12(c) of SEPP 64.

**Table 6 Assessment against the Sydney DCP 2012**

Assessment Criteria	Assessment	Compliance
<b>3.16.3 – General Requirements for Signage</b>		
1. Signage is to be compatible with the architecture, materials, finishes and colours of the building and the streetscape.	The amended proposal with a reduced visual display area of approximately 18sqm is considered to provide a more compatible form with the existing architecture, materials, finishes and colours of the pedestrian bridge infrastructure.	Yes
2. Signage attached to a building is to be positioned in locations or on panels in between any architectural elements (such as awnings, windows, doors and parapet lines). Signs are not to conceal or detract from integral architectural features or cover any mechanical ventilation systems.	The proposed signage is to be fixed to existing infrastructure at southern elevation and will not obscure or detract from any integral architectural features or cover any mechanical ventilation systems.	Yes
3. Signage is to be installed and secured in accordance with relevant Australian Standards.	The proposed signage will be installed and secured in accordance with the appropriate Australian Standards.	Yes
4. Signage that will detract from the amenity or visual quality of heritage items, heritage conservation areas, open space areas, waterways or residential areas is not permitted.	The amended proposal removes the northern sign from the application and reduces the size of the southern sign significantly. Therefore, the proposal is not considered to detract from the amenity or visual quality of heritage items (noting there is no longer any frontage to the adjacent heritage item the Sussex Hotel), heritage conservation areas, open space areas, waterways or residential areas.	Yes
5. Signage should not create unacceptable visual clutter taking into account existing signs, neighbouring buildings, the streetscape and the cumulative effect of signs.	The amended proposal represents a high-quality sign that is more in keeping with the context of its highly urbanised setting and will not create unacceptable visual clutter given its reduced scale.	Yes
6. Signs should allow the main facades of buildings from the first floor to the rooftop or parapet to be uncluttered and generally free of signage.	N/A. The sign is not attached to the façade of a building.	N/A
7. Signage is not to be supported by, hung from or placed on other signs or advertisements.	The proposed southern sign will not be supported by, hung from or be placed on other signs or advertisements.	Yes
8. Signage that will distract road users, or could be mistaken for a traffic control device, is not permitted.	No elements of the sign have been designed to distract drivers as the variable content displays of the sign will not contain any flashing or moving images, rather these will be a static image that is illuminated via backlit devices. No content will be shown that can support a distraction to the existing traffic lights in that it could be mistaken for a traffic control device. Refer to the original Road Safety Assessment submitted with the original SEE.	Yes

Assessment Criteria	Assessment	Compliance
9. Signage that will unduly obstruct the passage or sightlines of vehicles, cyclists or pedestrians is not permitted.	The proposed sign will not obstruct the passage or sightlines of vehicles, cyclists or pedestrians as it will be affixed to an existing structure. Refer to the original Road Safety Assessment submitted with the original SEE.	Yes
10. Advertisements, dynamic content signs and light projection signs on or within the vicinity and visible from a classified road are to be consistent with the road safety criteria in section 3 of the NSW Transport Corridor Advertising and Signage Guidelines.	Complies. Refer to the assessment against the Guidelines contained within <b>Table 4</b> of the SEE. The reduced scale of the southern sign and removal of the northern sign from the proposal is not considered to have increased impacts beyond those considered in that assessment.	Yes
11. Signage is not to contain reflective materials, colours and finishes	The proposed sign will not contain reflective materials, colours or finishes.	Yes
12. Signage is not to incorporate sound, vibration, odour or other emissions, unless the emission is necessary as part of a community message, an approved public artwork or to meet accessibility requirements.	The proposed sign will not incorporate sound, vibration, odour or other emissions.	Yes
13. Signage is not to result in the gathering of people in any manner that will limit the movement of motorists, cyclists or pedestrians along a public road, thoroughfare, footway or other access way.	The proposed sign is unlikely to result in the gathering of people that will limit the movement of cyclists, pedestrians or motorists along Sussex Street.	Yes
<b>3.16.4 – Illuminated signage</b>		
1. Any illuminated signage is to be designed to ensure that the illuminance and luminance from the sign or advertisement is, in the opinion of the consent authority, consistent with the existing light level of the streetscape or environment within which it is located and does not cause glare.	The proposed sign is considered compliant with the relevant Australian Standards, DPIE's Guidelines and the relevant CASA guidelines in that it will not cause glare.	Yes
2. Unless otherwise provided for in this Section, the illuminance, luminance and threshold increment of illuminated signage is to comply with the recommended values of AS 4282-1997. The maximum night time luminance of any sign is not to exceed 300 cd/sqm.	The proposed sign will comply with the recommended values of AS 4282-1997.	Yes
3. Signage is only permitted to be illuminated while a premises is open and trading where the sign is on, or within 25m of and visible from, land zoned R1 General Residential or R2 Low Density Residential.	The proposed sign is not within 25m of land zoned R1 General Residential or R2 Low Density Residential.	N/A
4. Any externally illuminated signage is to have a downward facing light source focused directly on the display area. Upward facing light sources are not permitted.	The proposed sign will be illuminated via backlit LED sources built into the structure of the digital display board. No upward facing light sources will be used.	Yes
5. Signs with flashing, chasing, pulsating or flickering lights are not permitted unless part of an approved public artwork.	The proposed sign will not flash, pulsate, flicker, or have chasing lights. It will show a static image that is internally illuminated to the standards set out in this DA.	Yes
6. Where the consent authority is of the opinion that an illuminated sign or advertisement is expected to generate high levels of energy use based on size, hours of operation or illumination source, the signage is to be powered by: <ul style="list-style-type: none"> <li>(a) onsite renewable energy of a capacity to provide the energy required to illuminate the sign; or</li> <li>(b) the purchase of a renewable energy product offered by an electricity supplier equivalent to the estimated annual amount of electricity used.</li> </ul>	The proposed sign will not result in high levels of energy use, using efficient lighting devices.	Yes
<b>3.16.7 – Advertising structures and third party advertisements</b>		



Assessment Criteria	Assessment	Compliance
<p><i>Generally, new advertising signs and third party advertisements are not permitted. The exceptional circumstances where advertising signs and third party advertisements are permitted shall be assessed against the following criteria:</i></p> <ul style="list-style-type: none"> <li>a) <i>Whether the sign is advertising a civic or community event in the City of Sydney area;</i></li> <li>b) <i>Whether the sign can be considered as public art in accordance with the City's policies in relation to public art;</i></li> <li>c) <i>Whether the signs are consistent with the provisions for signage in this DCP;</i></li> <li>d) <i>Whether part of the sign occupied by corporate markings, logos, branding or similar is not more than 5% of the total sign area;</i></li> <li>e) <i>Whether the number of existing signs on the site and in the vicinity do not cumulatively create unacceptable visual clutter;</i></li> <li>f) <i>Whether the sign is associated with the surrender of a consent for an existing sign on a heritage item or on a contributory building in a heritage conservation area.</i></li> </ul>	<p>SEPP 64 permits the advertising structure on site under Clause 16 of the SEPP. The City of Sydney can approach Sydney Trains to develop an agreement for the display of City of Sydney advertising. Less than 5% of corporate markings will be displayed on the structure as it will be operated by a private operator, as per similar signage on transport corridors across NSW.</p>	<p>No, however justified given the permissibility of the sign under SEPP 64.</p>

## 5.6 Heritage

NGH had provided a previous response to the comments received during the exhibition phase of the project approval for the installation of a digital super sign on the pedestrian overpass over Sussex Street in the West CBD, Sydney. Analysis of the works has concluded that the overall heritage impact of the works is minor and that the findings and recommendations of the original NGH SOHI (2020) remain valid.

However, as outlined within this amending DA, the northern sign is proposed to be deleted and therefore eliminates any previously perceived adverse impact to the heritage item at 26 Sussex Street.

Additionally, the Heritage Council NSW in their previous submission dated 29 January 2021 stated that:

*The digital panel located to the southern face of the pedestrian bridge, may also result in an impact, however noting the streetscape and limited visual proximity and relationship with the hotel, it is considered that the proposed sign should be supported provided its size is reduced to limit its visual impact.*

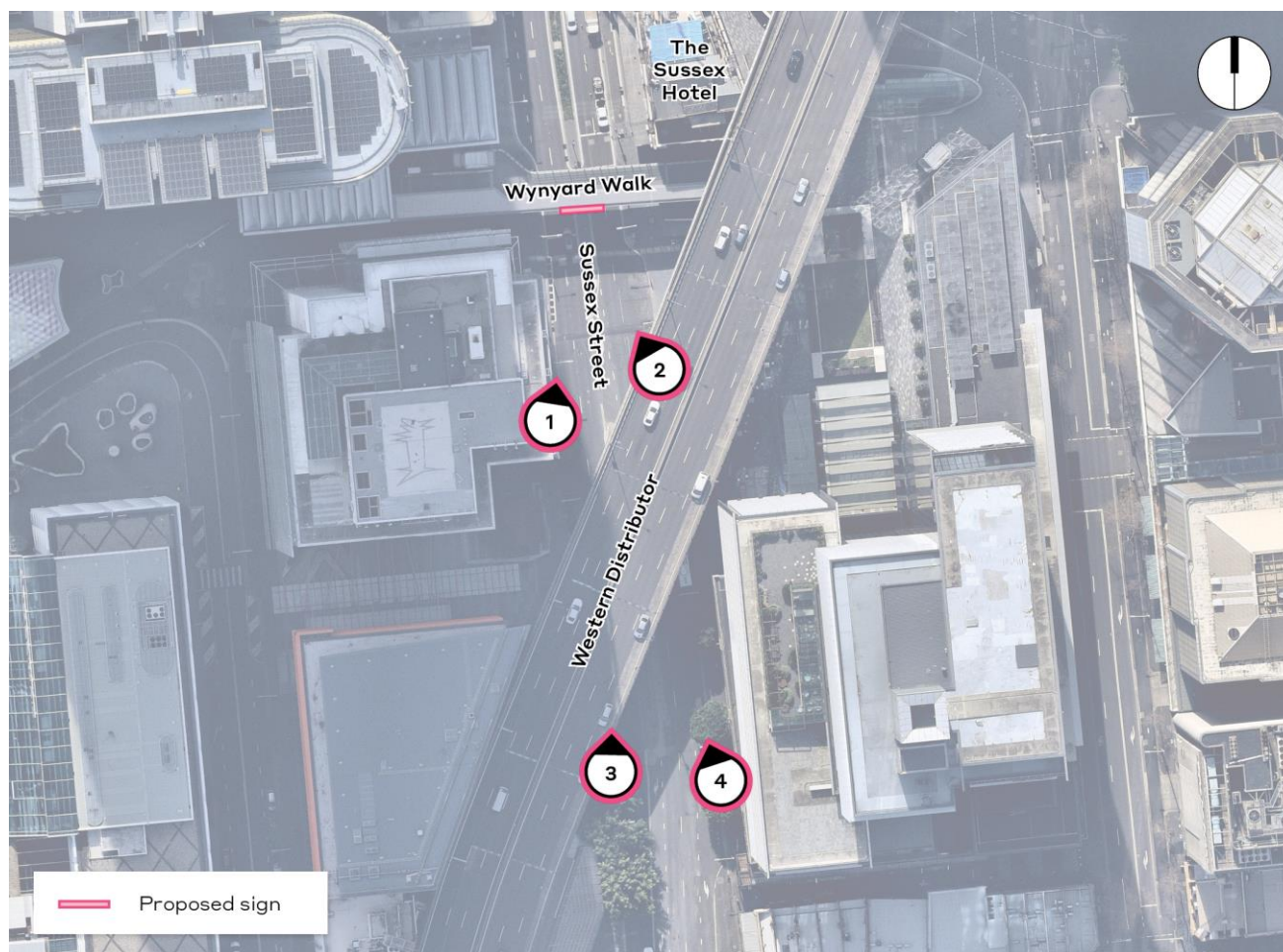
It is important to address that this amended application proposes to remove the northern sign and significantly reduce the size of the southern sign by approximately 22sqm (55% reduction) to 18sqm, therefore appropriately responding to the comment made by the Heritage Council. Given the southern sign faces an area with substantial infrastructure (being the Western Distributor overpass, and loading docks into the adjacent buildings of Barangaroo) and limited heritage value, this is considered an appropriate response and suitable for support on heritage grounds.

## 5.7 Visual Impact

It is noted that the Department's original response letter states that "the proposal does not appear compatible with surrounding land use" for two main reasons:

1. "significant adverse amenity impacts to the adjacent residential property at 26 Sussex Street which were not considered in the DA"
2. "significant adverse visual impacts, including to the setting and sightlines of the adjacent heritage item (the former 'New Hunter River Hotel', currently known as the Sussex Hotel) and to the character and appearance of the existing Wynyard Walk pedestrian bridge".

It can be concluded that the deletion of the northern sign as proposed by this amending DA, resolves both issues as stated above. To further respond to these, an addendum Visual Impact Assessment has been prepared (**Attachment B**) which assesses additional viewpoints (**Figure 4**) of the revised southern sign design.



**Figure 4 Location of viewpoints**

Source: Nearmap / Ethos Urban

These viewpoints assess the proposed sign from various angles and distances:

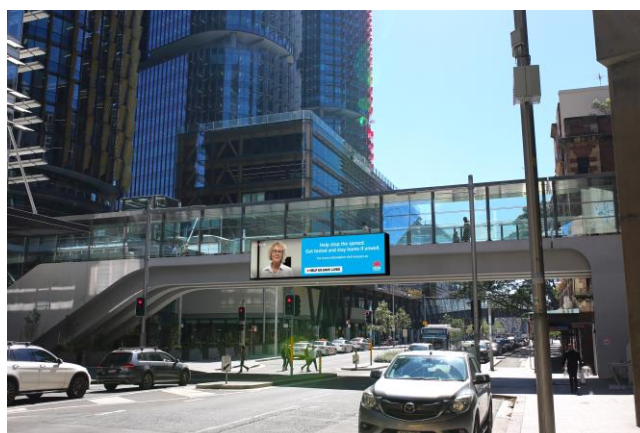
- Viewpoint 1 (Sussex Street western footpath looking north, **Figure 5**);
- Viewpoint 2 (Sussex Street eastern footpath looking north, **Figure 6**);
- Viewpoint 3 (Sussex Street western footpath looking north, **Figure 7**); and
- Viewpoint 4 (Sussex Street eastern footpath looking north, **Figure 8**).

Montages of the proposed southern sign from these locations are provided below.



**Figure 5: Viewpoint 1**

Source: Ethos Urban (2021)



**Figure 6: Viewpoint 2**

Source: Ethos Urban (2021)



**Figure 7: Viewpoint 3**

Source: Ethos Urban (2021)



**Figure 8: Viewpoint 4**

Source: Ethos Urban (2021)

These views indicate that the sign forms part of the broader context of the area, particularly as seen from Viewpoints 3 and 4 from a distance, with the existing Western Distributor overpass in the foreground which provides for an infrastructure heavy environment. As moving closer to the sign, as shown in Viewpoints 1 and 2, the sign is not overbearing of the environment, rather sits within the modern characteristics of the area, particularly the Barangaroo towers to the west and the modern 207 Kent Street tower sitting behind the heritage item to the east.

Sensitivity of the area is considered low given the visual setting of the proposal, positioned on a pedestrian walkway within the centre of the CBD with a strong mix of surrounding land uses, centred above road infrastructure. Views to the north will not be impacted by the proposal.

In terms of magnitude, the proposal is considered to be low as it fits comfortably within the context of the existing land uses. The land to which the proposal applies to is an infrastructure setting, positioned on Wynyard walkway with road infrastructure such as Sussex Street directly below and the Western Distributor to the north east. This is particularly evident in Viewpoints 1, 3 and 4.

For further details refer to the Addendum Visual Impact Assessment at **Attachment B**.



## 5.8 Public Benefit

Sydney Trains advise that advertising assets within Sydney Trains transport and rail corridors generate revenue for Sydney Trains that can be used to fund upgrades to essential public infrastructure and other rail programs that allow for the maintenance and operations of the wider Sydney Trains network throughout Greater Sydney. These commercial arrangements provide a valuable on-going revenue stream to Sydney Trains from external 3rd party markets (ie the advertising market), with the assets intended to be privately leased for display purposes. Importantly, as Sydney Trains (through TfNSW; Sydney Trains is a NSW Government agency) maintain and operate a rail service throughout Greater Sydney, the projects supported by the operation of these assets are spread across larger areas across the entire rail network. These projects can range from station platform upgrades to safety improvements across the network as a whole.

There are, however, several projects being delivered by Sydney Trains that would benefit the immediate local community of Sussex Street and Barangaroo, including the future roll-out of 'gap buffers' within CBD stations located close to the subject site. These 'gap buffers' are designed to reduce the risk of passengers falling in the gap between the train and platform. Other projects underway include the Transport Access Program, which will benefit both the local community and broader community when travelling to railway stations that do not currently provide access (via lifts, new canopy covers, upgraded footpaths and improvements to wayfinding) for persons with a disability, limited mobility, carers/parents with prams and customers with luggage, through the provision of lifts. Local residents near to the subject site may travel to stations that lack these facilities for either work or leisure purposes, and the Transport Access Program will therefore provide a benefit to those residents when attending those stations.

Furthermore, digital advertising provides a further public benefit to Sydney Trains, TfNSW and emergency services to display instantaneous safety or public awareness messages. In addition to a revenue stream, the digital screens will also be used to provide important information to customers and the general public in the event of the following:

- Station emergency situations;
- Any major disruption which is likely to cause delays to train running times;
- Sydney Trains and TfNSW promotions and events; and
- Threat-to-life alerts by NSW Government Emergency and Police Agencies.

This public benefit for Sydney Trains, TfNSW and emergency services to access digital screens to provide instantaneous messaging to Sydney Trains users is a significant component of the digital program to provide a benefit to the public in certain locations around Sydney.

We trust that the information, as well as the amended documentation/ plans, provided in this amending DA and RTS response addresses the matters raised by DPIE and the community and allows the planning assessment to proceed.

Yours sincerely,



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